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W.P.No.10233 of 2020

THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMAR RAMAMOORTHY, J.

ORDER

(Order of the Court was made by *the Hon'ble Chief Justice*)

The matter pertains to fixation of court-fees for writ petitions and writ appeals.

2. Against previous fees payable of Rs.200/- for a writ petition and Rs.200/- for an appeal, now they have been enhanced to Rs.1,000/- and Rs.2,000/-, respectively. The case of the writ petitioner is that since the remedy under Article 226 of the Constitution of India is to enforce fundamental rights that are guaranteed in the Constitution, the costs for availing such remedy should not be such as would exclude a class of persons from even availing the remedy. The next argument is that when paltry amounts are charged for applying under Article 227 of the Constitution and for seeking bail or anticipatory bail or moving criminal appeals, the exorbitant increase in court-fees for writ petitions and writ appeals appears incongruous.

3. The petitioner has referred to the quantum of court-fees being paid in other States and Union Territories and submits that outside

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Tamil Nadu, court-fees on writ petitions do not exceed Rs.500/- and in most places, the amount is Rs.200/-.

4. The State has used a counter-affidavit and it is submitted that a committee was appointed for the purpose of looking into the proposed fee structure across a cross-section of matters and the committee perceived the quantum of increase in respect of writ petitions and appeals to be appropriate. The State says that in several cases, the proposed increases were reduced and the committee has balanced the matter in such a way that, at the end of the day, its recommendations are revenue neutral. In other words, in certain areas, the proposed court-fees have been reduced somewhat and in other areas, allowed to be retained in full or part, so that the income on account of the court-fees remains the same. If any reduction were to be given in respect of specific matters, it would result in overall prejudice to the State as there would be less collection on account of court-fees than what was collected previously.

5. At the end of the day, it is a matter of policy and the Court will not interfere unless it finds complete arbitrariness or the possibility of manifest injustice resulting in the exclusion of a class of citizens or court-fees being fixed at such levels that shock the conscience of the

Court.

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6. Without expressing any conclusive view at this stage, since the quantum of increase appears to be significant from Rs.200/- to Rs.1,000/- and from Rs.200/- to Rs.2,000/-, the State may re-consider as to whether the quantum of increase in respect of both writ petitions and writ appeals should be so much and in one-go.

7. Let the matter appear three weeks hence for the State's views to be obtained.

8. List on 28.04.2021.

(S.B., CJ.) (S.K.R., J.)
31.03.2021

kpl

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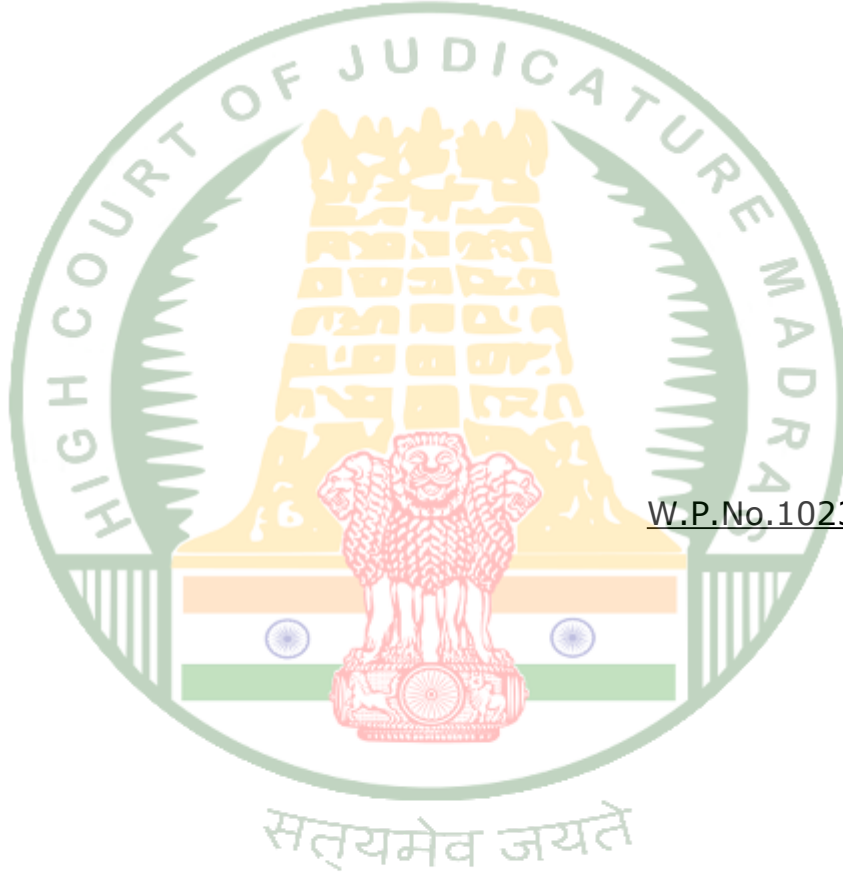
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